ACAS publishes new guidance for employers on suspension

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The Advisory, Conciliation and Arbitration Service (ACAS) has published new guidance for employers on how to handle staff suspensions. In particular, it focuses on suspension during investigations.

What does the guidance cover?

The new guidance addresses the following key areas:

- Deciding whether to suspend someone;
- The process for suspending someone;
- Supporting an employee's mental health during suspension; and
- Pay and holiday during suspension.

What does the guidance recommend?

Because of the risk of breaching the employment contract, and the stress that can be caused, the guidance recommends that a suspension should only be used when it is a reasonable way of dealing with the situation. This may apply where an investigation is being carried out and there is a need to protect evidence, witnesses, the business, other staff or the person being investigated and there are no appropriate alternatives. A suspension may also be appropriate in order to protect an employee's health and safety.

The key point is that employers should consider each situation carefully before deciding whether to suspend someone.

What are some of the alternatives to suspension?

Instead of suspension, ACAS advises that employers could require a worker to work:

- in a different part of the organisation;
- from home; or
- from a different office or site.

What does ACAS recommend that employers do to support suspended workers?

- Explain the reason for the suspension, making it clear that it does not mean that it has been decided that they have done anything wrong. Ideally this should be done in person.
- Explain that pay and benefits are unaffected.
- Keep the suspension as short as possible.
- Keep it confidential wherever possible and stay in regular contact throughout.
- It is good practice to allow employees to be accompanied at any suspension meeting and for the suspension to be confirmed in writing.

The ACAS guidance can be accessed by clicking here.

Brahams Dutt Badrick French LLP are a leading specialist employment law firm based at Bank in the City. If you would like to discuss any issues relating to the content of this article, please contact Theo Nicou TheoNicou@bdbf.co.uk) Amanda Steadman (AmandaSteadman@bdbf.co.uk) or your usual BDBF contact.

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